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September 2, 2008

VIA FAX (212) 805-7933

Hon. Andrew J. Peck
United States Magistrate Judge
500 Pearl Street
New York, NY 10007

MEMO ENDORSED *p2*

Re: *Brian Brennan & Suzanne Brennan v. The City of New York, et al.*
07 CV 11197 (RJS) (AJP)

Dear Judge Peck:

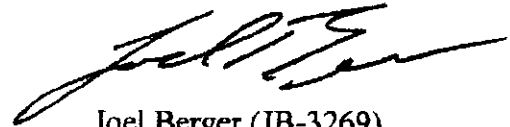
I am counsel for plaintiffs in the above-referenced action. This letter is written because the parties are jointly respectfully requesting an adjournment of the settlement conference, presently scheduled for Wednesday, September 10, at 9:30 A.M. (I informally advised your law clerk, Ms. Gould, of the request by telephone last Friday.)

The reason for this request is the sudden and unexpected death of Brian Brennan at age 41, due to heart failure, on August 7, 2008. *See* Rule 25 (A) (1) Suggestion of Death, filed by counsel for defendants on August 26, 2008. Mr. Brennan's passing has caused both sides to reassess their positions in this matter. One factor in that reassessment will be the deposition of a physician who examined and treated Brian Brennan immediately after his injury -- a deposition that the parties have agreed to take in the very near future. Additionally, and most importantly, I do not believe that Mrs. Suzanne Brennan -- a co-plaintiff in this case, and Brian Brennan's sole heir as well -- is ready to deal with the emotional strain of attending a settlement conference and making settlement decisions so soon after her husband's sudden death.

I believe that Mrs. Brennan will be ready to attend a settlement conference in early October (she will be out of town from September 26 -- October 1) and it is respectfully requested that the conference be adjourned until then.

There has been one prior adjournment of the settlement conference, originally scheduled for August 5, due primarily to the resignation of defendants' prior attorney and the need for their new attorney to familiarize himself with the case. The next status conference is not scheduled to take place until October 30, and it is anticipated that under the circumstances an adjournment of that date, if necessary to provide adequate time between the settlement conference and the status conference, would not be denied.

Respectfully yours,




Joel Berger (JB-3269)
Attorney for Plaintiffs

cc: David M. Pollack, Esq. (DP-3873)
Assistant Corporation Counsel
Attorney for Defendants
(via fax 212-788-9776)

MEMO ENDORSED ^{9/12/08}

1. SETTLEMENT AND ADJOURNED BY H'S REQUEST TO 1016 210AM (SETTLE MEMOS DUE 11/4). FURTHER EXTENSIONS UNLIKELY.
2. ALL OTHER DEADLINES REMAIN UNCHANGED
3. THE COURT EXTENDS ITS SYMPATHY TO THE BRENNAN FAMILY.

SO ORDERED:



Hon. Andrew Jay Peck
United States Magistrate Judge

MAILED: 9/12/08
JAP: [Signature]

BY FAX

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FACSIMILE COVER SHEET

TO: HON. ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE

FAX NO. (212) 805-7933

FROM: JOEL BERGER, Attorney for Plaintiffs

DATE: SEPTEMBER 2, 2008

NUMBER OF PAGES: COVER SHEET + 2 PAGES

DESCRIPTION OF DOCUMENT/MEMORANDUM:

Re: *Brennan, et al. v. The City of New York, et al.*, 07 CV 11197 (RJS) (AJP)

See correspondence in which the parties jointly request adjournment of the settlement conference scheduled for September 10, 2008, accompanying cover sheet

IMPORTANT

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